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Summary record of the first part (public)* of the 1228th meeting
Held at the Palais Wilson, Geneva, on Friday, 9 May 2014, at 10 a.m.

Chairperson: Mr. Tugushi

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.1228/Add.1.

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The meeting was called to order at 10.10 a.m.

Organizational and other matters

Meeting with the Chairperson of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; presentation of the Subcommittee's seventh annual report (CAT/C/52/2)

1. **Mr. Evans** (Chairperson of the Subcommittee on Prevention), presenting the seventh annual report of the Subcommittee (CAT/C/52/2), said that since the publication of the report, Greece and Lithuania had ratified the Optional Protocol to the Convention against Torture, thus bringing the number of States parties to 72. Other ratifications were expected over the course of the year.

2. The members of the Subcommittee had undertaken six visits in 2013 and were planning to undertake eight in 2014, including the visit to Togo planned initially for the year before. Some of those visits were advisory visits on national preventive mechanisms or follow-up visits. In April 2014, the Subcommittee had also undertaken a so-called Optional Protocol advisory visit to Nigeria. Kyrgyzstan and Argentina were the latest States parties to have agreed to make public the report of the Subcommittee on its visit to their countries, strengthening a positive trend in that respect. Some reports, on the other hand, had still not elicited an official response from the Governments concerned (Cambodia, Honduras, Libya, Maldives and Mali). In the future, follow-up visits such as the one made to Cambodia in 2013 could be an effective means of reopening the dialogue.

3. Of the 72 States parties, 52 had notified the Subcommittee of the creation of a national preventive mechanism, and 10 or so had such a mechanism but had not designated it officially. Having to work with some 60 national preventive mechanisms was a considerable challenge for the Subcommittee. It was for that reason that it was now working through regional teams, each member of which was responsible for a certain number of countries.

4. The Special Fund set up in accordance with article 26 of the Optional Protocol was working well, but was suffering from a shortage of contributions, particularly in the context of the current crisis. In recent years, the Subcommittee had deliberately avoided dwelling on the inadequacy of the resources made available to it for its work. However, in view of the difficulties it faced in meeting ever growing needs, it had considered it necessary to draw attention to that point in its 2013 report.

5. The Subcommittee cooperated at regional level with such bodies as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and with numerous civil society organizations. It was also seeking to intensify its cooperation with the Committee against Torture, in particular by helping to ensure that questions regarding implementation of the Optional Protocol continued to be raised during consideration of the reports submitted by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

6. Regarding substantive issues, the Subcommittee had looked into the problem of corruption, which, in its view, merited greater attention.

7. **Ms. Gaer**, noting that only Bosnia and Herzegovina and Romania had made the declaration under article 24 of the Optional Protocol, which made it possible to postpone designation of the national mechanism for an additional two years at most, asked how the Committee could encourage the States parties that had not yet done so to designate the national preventive mechanism. She requested further details on how the working groups mentioned in paragraph 49 of the report operated and how, despite the turnover in their membership, they maintained their expertise. She asked whether the Subcommittee had

data available to it on experience with the problem of reprisals, which could be of interest to the Committee.

8. **Mr. Zhang Kening** requested additional information on the composition of the Subcommittee secretariat.

9. **Mr. Modvig** asked to be informed of the Subcommittee's position on the civil society involvement in the oversight of places where people were deprived of their liberty, including in the context of the national preventive mechanism. He also asked whether the Subcommittee had looked into the health-related issues raised by the Special Rapporteur on torture in his 2013 report.

10. **Ms. Belmir** asked whether the Subcommittee had had the opportunity to assess the work of the national mechanisms in respect of the treatment of minors, including unaccompanied migrant children in particular, and whether it had been possible to measure the impact of the Subcommittee's visits to the States parties.

11. **Mr. Gaye** emphasized the importance of having the two bodies regularly share information in order to prevent discrepancies and further improve assessment of the situation in States.

12. **The Chairperson** said that improved communication between the Committee and the Subcommittee would be highly desirable, especially with regard to the drafting of lists of issues and the review of national preventive mechanisms. It would be useful to look more closely into the links between corruption and torture, and he noted that there could be instances of discrimination, depending on whether or not detainees had the means to pay bribes. He asked whether the advisory visits on national preventive mechanisms made it possible to assess the concrete activities undertaken by the mechanisms and whether the Subcommittee was endeavouring to ensure that the mechanisms were shielded from sudden personnel or organizational changes that would undermine their independence and their effectiveness.

13. **Mr. Evans** said that Bosnia and Herzegovina had a national preventive mechanism (an ombudsman), although it had not yet been officially designated, and that the Subcommittee was providing support for the Balkan subregional network of national preventive mechanisms. The additional period granted to Romania would come to an end in August 2014. The Subcommittee was keeping in contact with the Romanian authorities in the hope that a mechanism would be designated shortly.

14. The regional working groups would be reorganized, as some people who had taken part in initial visits that required follow-up were no longer members of the Subcommittee. In general, the Subcommittee considered that, for reasons of efficiency, it was indispensable to work on substantive issues in small groups and to turn to the plenary meeting for matters of strategy.

15. The Subcommittee attached considerable importance to the issue of reprisals in general and more specifically to the reprisals detainees could suffer, sometimes at the hands of other detainees, in the wake of the Subcommittee's visits. The Subcommittee was developing an internal policy to better gauge and reduce the risks of such reprisals.

16. Setting up a national mechanism for the prevention of torture could take a very long time, but the most important parts of the process were the Government's intentions and the outcome. Of course, the Subcommittee disapproved of hold-ups caused by delaying tactics. It was up to the Government to decide on the role of civil society in the activities of the national preventive mechanism. Nonetheless, the existence of a national preventive mechanism should in no case prevent civil society from taking part — by visiting places of detention, for example — in the prevention of torture. Although the participation of civil

society generally produced good results, the delegation of the national preventive mechanism's activities to civil society organizations should be avoided.

17. The Subcommittee's role with respect to advisory visits was not to evaluate the national preventive mechanisms but to help them fulfil their mandate effectively, as a link in an international system for the prevention of torture, and to advise them, in particular on operational and financial matters. When a national preventive mechanism notified it that it had been subjected to pressure or interference, the Subcommittee drew the problem to the attention of the authorities of the relevant country. The situation had sometimes improved after such interventions.

18. The Subcommittee had established a working group on children in detention, whose members were taking part in numerous meetings on the issue, particularly in relation to migration. The Subcommittee also dealt with the issue of torture in health facilities. The Subcommittee had reached the conclusion that corruption, as a practice, underpinned many prison systems. That problem should be taken into account in efforts to prevent torture in detention.

The public part of the meeting rose at 11 a.m.